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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,150	06/24/2003	Maria Adamczyk	9400-25	9908
39072	7590	07/12/2004	EXAMINER	
MYERS BIGEL SIBLEY & SAJOVEC, P.A.				BEAULIEU, YONEL
P.O. BOX 37428		ART UNIT		PAPER NUMBER
RALEIGH, NC 27627		3661		

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/602,150	ADAMCZYK, MARIA
	<b>Examiner</b> Yonel Beaulieu	<b>Art Unit</b> 3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 24 June 2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-53 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-53 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/24/03.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_ .

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 - 5, 23, and 25 – 53 are rejected under 35 U.S.C. 102(e) as being anticipated by Murray et al. (US 2004/0049424 A1).

Regarding claims 1 - 5, 25, 31, 32, 34, 37, 38, 39, 44, 45, 49, and 50, Murray teaches matching a passenger with a driver for a trip to a destination comprising identifying a candidate driver for the trip based upon location of the driver responsive to a request from a passenger and providing the passenger an identification of the driver (0041, 0054-0056, and 0107); a ride matching server/communications network (102) configured to receive ride/trip request from a passenger and provide such information to the driver; hence, communication between the candidate driver and the passenger (see figs. 1-2 at least; 0046, 0086, 0090, and 0147); the passenger/driver matching being embedded into a computer program (112; 0048 and 0049).

Regarding claims 27, 28, 43, 46 and 51, Murray teaches payment/account information (abstract; 0021, 0068, and 0096).

Regarding claims 40 and 42, Murray further teaches using the Internet for matching communication (0046 and 0089 at least).

Regarding claim 41, Murray further teaches wireless communication with wireless terminal associated with subscribed users (0056 at least).

Regarding claims 33, 47 and 52, Murray further teaches traffic information (abstract; summary; 0114 at least).

Regarding claims 23, 26, 29, 30, 35, 36, 48, and 53, Murray further teaches providing the matching information based upon start location and destination location (0136, 0140, and 0142 at least).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 – 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray et al. ('0049424 A1) as applied to claim 1 (directly or indirectly) and further in view of Kirshenbaum et al. (US 6,584,401 B2).

As discussed above, Murray teaches all of the limitations except for the explicit use of the global positioning system (GPS).

However, Kirshenbaum teaches, in the same field of endeavor of matching a passenger with a driver for a trip the use of GPS (abstract; col. 2: 27 – 30; col. 4: 30 – 44 at least).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Murray's teaching by including GPS technology as evidenced by Kirshenbaum in order to enhance location potential passengers/drivers for the trip.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (703) 305-4072. The examiner can normally be reached on M-R, from 0900-1600.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas BLACK can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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